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EXAMINER
DALENCOURT, Y

ART UNIT	PAPER NUMBER
2735	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/922,491

Applicant(s)
Donald L. Black

Examiner
Yves Dalencourt

Group Art Unit
2735



☒ Responsive to communication(s) filed on Sep 3, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-24 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. (page 5, lines 4 - 6) and (page 6, line 1). See MPEP § 608.02(g).

Claim Objections

3. Claims 1, 14, and 18 are objected to because of the following informalities: It is suggested to delete "salsifies" (page 19, line 12), and insert -- satisfies--.; delete "is" (page 21, line 15), and insert -- it --; delete "a" (page 22, line 4), and insert -- an --; delete "an" (page 22, line 5), and insert -- a -- . Appropriate correction is required.

4. *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1 - 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, the step of “determining whether the interrogator read the complete data transmission while the transponder is transmitting the data and upon determining that the interrogator did not read the complete data transmission; storing a number in the memory; changing the number, iteratively repeating the step of changing of the number until the number stored in memory satisfies the transmission criteria, transmitting the data “ (page 19, lines 6 - 14) is not adequately enabled in the specification. It has not been disclosed as to how the transponder can determine whether or not the interrogator read the complete data while it is in the process of transmitting the data. It is not adequately disclosed how the steps of storing a number in the memory, changing the number, iteratively repeating the step of changing of the number until the number stored in memory satisfies the transmission criteria, transmitting the data are associated with the determining step. Finally, without the knowledge of what the “transmission criteria “ is, it is not understood what is the point of changing a number until it satisfies some transmission criteria as claimed. Therefore, one skilled in the art would not know how to make and /or use the invention.

Claims 2 - 12 are necessarily rejected as being dependent upon the rejection of claim 1.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stobbe et al (US 5751570; hereinafter Stobbe) in view of Peter R. Lowe (US 5742618; hereinafter Lowe).

Regarding claims 13 and 21, Stobbe et al teaches a method for an interrogator reading one or more RFID transponders in a field comprising the steps of providing a carrier signal (col. 5, lines 3 - 8); detecting the presence of at least one transponder, and receiving data from all active transponders in the field (figures 1 & 2; col.5, lines 8 - 13); determining whether the interrogator has received a valid data transmission (col. 1, lines 31 - 35).

Moreover, Stobbe et al fails to specifically teach a method for an interrogator reading one or more RFID transponders in a field comprising the step of upon determining an invalid data transmission, modifying the carrier signal to inform all active transponders in the field that there was an incomplete read.

However, Lowe teaches, in an art related field of RF transponders, a system having error detection and correction which comprises the step of upon determining an invalid data transmission, modifying the carrier signal to inform all active transponders in the field that there

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was an incomplete read (col. 1, lines 12 - 22; & col. 3, lines 24 - 32) for the purpose of improving the accuracy of received data from transponders.

Thus, it would have been obvious to one of ordinary skill in the art to have included a method which comprises the step of upon determining an invalid data transmission, modifying the carrier signal to inform all active transponders in the field that there was an incomplete read in Stobbe et al's device as evidenced by Lowe because Stobbe suggests the step of determining whether the interrogator has received a valid data transmission and Lowe teaches the step of modifying the carrier signal upon determining an invalid data transmission for the purpose of improving the accuracy of received data from transponders.

Regarding claims 14 and 20, Stobbe et al and Lowe teaches all the limitation, and Stobbe et al further teaches a method for an interrogator reading one or more RFID transponders in a field wherein steps (c) and (d) are iteratively repeated until the interrogator determines that it has read the complete data for each transponder in the field (col. 2, lines 7 - 14).

Regarding claim 15, Stobbe et al and Lowe teaches all the limitation, and Stobbe et al further teaches a method for an interrogator reading one or more RFID transponders in a field which comprises the step of transmitting the complete data for each transponder from the interrogator to a computer system for processing (col. 1, lines 31 - 32).

Regarding claim 16, Stobbe et al and Lowe teaches all the limitation, and Lowe further teaches a method for an interrogator reading one or more RFID transponders in a field wherein the interrogator includes a demodulator and the step of detecting the presence of one or more

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transponders comprises receiving data from the demodulator and modifying the carrier signal in a predetermined of time (col. 3, lines 42 - 60)

Regarding claims 17, 19, and 24, Stobbe et al and Lowe teaches all the limitation, and Lowe further teaches a method for an interrogator reading one or more RFID transponders in a field wherein the step of modifying the carrier signal in a predetermined manner comprises sending out the carrier signal continuously (col. 3, lines 21 - 30).

Regarding claims 18 and 23, Stobbe et al and Lowe teaches all the limitation, and Lowe further teaches a method for an interrogator reading one or more RFID transponders in a field wherein the step of determining whether the interrogator has received an invalid data transmission comprises detecting the interrogator's inability to compute a proper synchronization word, a proper CRC, or a proper word length (col. 6, lines 35 - 55).

Regarding claim 22, Stobbe et al and Lowe teaches all the limitation, and Lowe further teaches a method for an interrogator reading one or more RFID transponders in a field wherein the receiving the step comprises receiving the data in groups of one more bits and checking the validity of each group of data as it is received (col. 5, lines 26 - 33).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akiyama et al (US Patent Number 5,745,049) discloses a wireless equipment diagnosis system.

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Dodd et al (US Patent Number 5,339,073) discloses an access control equipment and method for using the same.

Roesner et al (US Patent Number 5,583,819) discloses an apparatus and method of use of radio frequency identification tags.

Judy Lynn Westby (US Patent Number 5,802,080) discloses a CRC checking using a CRC generator in a multi-port design.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on Monday through Thursday from 7:30AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

Yves Dalencourt


October 21, 1998

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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